IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 592 of 2001 (S/S)
Old No. 46661 of 1999

Shri Dharam Veer Singh & others …… Petitioners

Versus

The General Manager,
The Kishan Sahkari Chini Mills Ltd.,
Rajpur- Pooranpur, Nadehi,
District Udham Singh Nagar & others …… Respondents

Mr. S. Dhulia, learned counsel for the petitioners.
Mr. C.K. Sharma, learned counsel for respondent.

Hon'ble P.C. Verma, A.C.J.

This writ petition has been filed by the petitioners seeking a writ of mandamus to command the respondents No. 1 & 2 to appoint the petitioners as "Seasonal" employees on Class III posts and to give them entire benefits admissible to the "Seasonal" employees in the aforesaid sugar factory.

Heard Mr. Sudhansu Dhulia, learned counsel for the petitioners and Mr. C.K. Sharma, learned counsel for the respondent.

Petitioners are Class III employees, working on Clerical Posts in the Kisan Sahkari Chini Mills Ltd., Rajpur Pooranpur, Nadehi, District Udham Singh Nagar. All the three petitioners were initially appointed in the year 1988, 1990 and 1991 respectively. The work of the sugar factory is by its nature "seasonal" in character. The petitioners were employed during each crushing season and the petitioners have never been stopped. Respondents in order to escape the liability of giving the retaining allowance to its employees do not designate a large number of employees as "seasonal" although the same work is taken from these petitioners as well. There is no difference in the work being taken from a seasonal employee and other employees, who are on daily wage basis on Muster Roll. It is stated by the petitioners that at present in the aforesaid sugar factory, there are 154 posts / vacancies of seasonal employees (Class III) in the factory. Out of aforesaid vacancies, the Management has only filled

108 vacancies and the rest are lying vacant. Petitioners have made several representations before the respondent No. 2 pleading their case before him and stating for considering their long years of service that they should be made “seasonal” instead of daily wagers. But inspite of all these representations, the petitioners were not taken as seasonal employees in the last season.

Considering all these facts and circumstances of the case, respondents are directed to consider for allowing the petitioners to continue in every season and to give them the status of “seasonal” and all the consequential benefits of seasonal workers shall be given to the petitioners.

With the aforesaid observations, the writ petition is disposed of finally. No orders as to costs.

(P.C. Verma, A.C.J.)

Dt. 26.06.2004
G